C.B. No. 35

COMMITTEE ON SUBORDINATE LEGISLATION

First Report

(together with Minutes and Appendices)

PARLIAMENT SECRETARIAT
NEW DELHI
March, 1954

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Members of the Committee on Subordinate Legislation

1. Shri Hari Vinayak Pataskar (*Chairman*).
2. Shri S. V. Ramaswamy
3. Shri N. M. Lingam
4. Shri Diwan Chand Sharma
5. Shri A. Ibrahim
6. Shri M. S. Gurupadaswamy
7. Shri N. C. Chatterjee
8. Shri Hirendra Nath Mukerjee
9. Shri Tulsidas Kilachand
10. Shri Hanamantrao Ganeshrao Vaishnav.

SECRETARIAT

Shri M. N. Kaul—*Secretary.*

Shri S. L. Shakdher—*Joint Secretary.*

I

INTRODUCTION

1. The Chairman of the Committee on Subordinate Legislation, having been authorised by the Committee to present the report on their behalf, present this First Report of the Committee.

2. The Committee was nominated by the Speaker on the 1st December, 1953. The Committee has so far held two sittings. At their first sitting on the 11th December, 1953, the Committee had a general discussion on the scope and functions of the Committee, and the procedure that should be adopted for examining the rules, regulations etc. issued by the authority to whom power to make such rules has been delegated under the various Acts.

3. At their second sitting on the 12th March, 1954, the Committee considered the following three matters and agreed to make certain recommendations which are embodied in this report—

(i) Bills containing proposals for delegation of legislative powers should invariably be accompanied by a memorandum containing the details and scope of such proposals.

(ii) Uniformity in the provisions delegating legislative powers in the various Acts.

(iii) Notifications issued under sections 20 and 85 of the Estate Duty Act.

II

BILLS CONTAINING PROPOSALS FOR DELEGATION OF LEGISLATIVE POWERS

4. The Committee noted that none of the Bills so far introduced in the House, except the Transfer of Evacuee Deposits Bill, which was introduced in the House on the 10th March, 1954, was accompanied by a memorandum in terms of rule 88 of the Rules of Procedure, explaining the proposals for delegating legislative powers to subordinate authorities. The Committee felt that in the absence of such a memorandum, Members of the House were not in a position to know how the power in regard to making of rules, regulations etc. would be exercised by the authority concerned.

5. The Committee have also examined the explanatory memorandum *re*: delegated legislation accompanying the Transfer of Evacuee Deposits Bill, which was the first memorandum appended by Government to a Bill under rule 88. The Committee are not satisfied with

the memorandum appended to this Bill, as it does not contain detailed information as to the scope and the effect of rules which would be framed in pursuance of the provisions of the Bill when passed.

6. The Committee, therefore, make the following recommendations in this regard:—

(i) that the memorandum accompanying a Bill should give full purport and effect of the delegation of power to subordinate authorities and also the points which may be covered by the rules, the particulars of subordinate authorities or the persons who are to exercise the delegated power and the manner in which such power is to be exercised;

(ii) that Government should provide memoranda in respect of all Government Bills which are pending before the House and which contain proposals for rule-making powers; and

(iii) that in future all Bills introduced in the House should invariably contain detailed memoranda on the lines indicated in (i) above.

III

UNIFORMITY IN THE PROVISIONS OF ACTS DELEGATING LEGISLATIVE POWERS

7. The Committee have considered the question of bringing about uniformity in the provisions of Acts delegating legislative powers. In India, real Parliamentary control over subordinate legislation is a recent innovation, and as such, the procedure with respect to this control will have to be evolved. The statutes delegating rule-making powers to the Central Government or other authority have given rise to varied practices and forms in this respect.

8. The Committee noted that the following four types of provisions exist in the various Acts:—

(i) The Central Government is empowered to make rules for the purpose of giving effect to the provisions of an Act, by notification in the official Gazette

(ii) The Central Government is empowered to make rules by notification in the official Gazette and is required to lay them before the House as soon as may be after their publication in the Gazette.

(iii) The rules made by the Central Government are subject to such modification as Parliament may make after they are laid on the Table.

(iv) The rules made under an Act are required to be laid on the Table of the House for a specified period before the date of their final publication.

9. At present a majority of Acts, containing provision for rule-making powers, require the Central Government merely to publish these rules in the official Gazette, to bring them into force. In these cases there is no provision for laying them on the Table of the House, and the House can exercise no direct check or scrutiny over them. The usual provision for this in the enabling Act is:

"The Central Government may, by notification in the official Gazette, make rules to carry out purposes of this Act".

In other cases, the rules are required to be laid on the Table of the House after their publication in the Gazette, but the enabling Acts do not provide that such rules shall be subject to modifications made therein by the House.

In only a few Acts, provisions exist to the effect that the rules etc. framed thereunder shall be laid on the Table of the House, and shall be subject to such modifications as the House may make therein. The House can obviously exercise control over subordinate legislation falling in this category.

10. The Committee consider that once a set of rules is laid on the Table of the House, the House is seized of it, and it has the inherent power to recommend such modifications in those rules as it likes, irrespective of the fact whether the enabling Act stipulates that the rule shall be subject to modifications by the House or not.

11. The need for uniformity in the procedure is all the more great in view of various types of provisions made in Acts leading to certain ambiguities. In the opinion of the Committee, the prevalence of the varied types of provisions in this regard frustrates the very purpose of the constitution of the Committee on Subordinate Legislation, whose function it is to scrutinize whether the powers delegated by Parliament have been properly exercised within the framework of the statute delegating such powers. The Committee, therefore, feel that in order to have proper scrutiny over the delegated legislation, it is imperative that there should be uniformity in the provisions of Acts authorising the making of rules, regulations etc. With a view to achieve this, the Committee make the following recommendations:—

(i) That in future the Acts containing provision for making rules etc. shall lay down that such rules shall be laid on the Table as soon as possible.

(ii) That all these rules shall be laid on the Table for a uniform and total period of 30 days before the date of their final publication.

(iii) That in future the Acts authorising delegation of rule-making power shall contain express provision that the rules made thereunder shall be subject to such modifications as the House may like to make.

IV

NOTIFICATIONS ISSUED UNDER THE ESTATE DUTY ACT

12. The Committee desire to draw attention to Section 85(3) of the Estate Duty Act which lays down that all rules made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made. The Committee understand that although the rules made under the said Section of the Act were published finally on the 13th February, 1954, they have been laid on the Table only on the 15th March, 1954. There has, therefore, been a delay of more than a month in laying the rules on the Table of the House. The Committee feel that reasonable construction of words "as soon as may be" used in the Section should be that there may be a time lag of a couple of days or so between the date of publication of the Rules and the date of placing them on the Table of the House when the House is in session. If the House is not in session when the rules are published and brought into force the normal expectation is that the Rules would be laid on the Table on the first day of the session held after the publication of the Rules. The Committee, therefore, draw the attention of the House to the delay that has taken place in the present case. The Committee wish to emphasize in this connection that the Government should take the very first opportunity of placing the Rules, Regulations etc. on the Table of the House. The Committee recommend that in future the Minister while laying the relevant rules on the Table explains to the House any delay which may have occurred in complying with the terms of statutes and their normal interpretation as indicated above.

H. V. PATASKAR,

Chairman,
Committee on Subordinate Legislation.

NEW DELHI;
The 17th March, 1954.

MINUTES

First Sitting

New Delhi: Friday, the 11th December, 1953

The Committee met at 4 P.M.

2. The following were present:

Shri Hari Vinayak Pataskar—*Chairman.*

MEMBERS

Shri N. M. Lingam
Shri Diwan Chand Sharma
Shri A Ibrahim
Shri M. S. Gurupadaswamy
Shri N. C. Chatterjee
Shri Tulsidas Kilachand

SECRETARIAT

Shri M. N. Kaul—*Secretary.*
Shri S. L. Shakdher—*Joint Secretary.*
Shri K. G. Bijlani—*Under Secretary.*

3. The Chairman referred to the relevant rules regarding the Committee on Subordinate Legislation.

4. The Secretary then briefly explained the work before the Committee. He observed that with the expansion of activities of Government in the modern world, there was a considerable increase in Parliamentary Legislation, with the result that Government brought before the House Bills containing general principles and important details. The working out of details was left to the Executive, through framing of rules and regulations, thus delegating to Government a considerable amount of law-making power. In order, however, that the rules framed by the Executive were in conformity with the authority delegated to them, Parliament took care to appoint its Committee to examine the position from time to time and to make report to it. The Committee was in effect a "miniature Parliament" sitting, as it were, to consider the matter from the point of view of Parliament as a whole and it should take a broad view in considering the various "orders" that came up for scrutiny before them.

5. As regards the procedure to be followed by the Committee it was agreed that the Committee should examine the rules, regulations etc. and where it felt that the Executive were transgressing the limits of their powers, Members might formulate questions which would be consolidated and a questionnaire might be prepared by the Parliament Secretariat. The Committee would, if necessary, examine the representatives of the Ministry concerned with the particular

"order". After considering the whole matter, the Committee would report to the House the conclusions arrived at by them.

6. The Committee decided that to begin with rules made under the Estate Duty Act and the Air Corporations Act might be examined.

7. It was also decided that—

(i) the Secretariat should maintain a small Library which should have relevant literature for reference by the Committee, and the various Acts under which the rules had been made and placed on the Table of the House since 1st January, 1953; and

(ii) lists of all the S.R.Os. placed on the Table of the House since 1st January, 1953, and copies of the rules made under the Estate Duty Act and the Air Corporations Act should be circulated to all the Members.

8. The Committee took note of the fact that various Acts provided for different procedures in regard to the laying on the Table of the House of rules, regulations etc., framed thereunder. It was decided that after the Committee had gained some experience, they might make a recommendation to the House to the effect that there should be a uniform procedure for laying such papers on the Table of the House.

The Committee then adjourned at 5-30 P.M. *to meet again on Monday, the* 21*st December,* 1953 *at* 4 P.M.

II

Second Sitting

New Delhi: Friday, the 12th March, 1954

The Committee met at 4-30 P.M.

2. The following were present:

Shri Hari Vinayak Pataskar—*Chairman.*

MEMBERS

Shri N. M. Lingam
Shri Diwan Chand Sharma
Shri A. Ibrahim
Shri M. S. Gurupadaswamy
Shri N. C. Chatterjee
Shri Hirendra Nath Mukerjee
Shri Tulsidas Kilachand
Shri Hanamantrao Ganeshrao Vaishnav.

SECRETARIAT

Shri S. L. Shakdher—*Joint Secretary.*
Shri K. G. Bijlani—*Under Secretary.*

3. The Committee considered the memorandum (Appendix I) regarding Bills containing proposals for delegation of legislative powers

4. The Committee were not satisfied with the memorandum (Appendix II) explaining delegation of power which was appended to the Transfer of Evacuee Deposits Bill. The Committee noted that this was the first memorandum appended to a Bill under rule 88. They desired that the memorandum should give full purport and effect of the delegation of power to subordinate authorities and also the points which are to be covered in the rules, the particulars of authorities or persons who were to exercise the delegated power and the manner in which such power would be exercised.

5. The Committee also desired that Government should be asked to provide memoranda in respect of all pending Bills containing proposals for rule-making power and that in future all Bills proposed to be introduced should invariably contain detailed memoranda.

6. The Committee then considered the memorandum (Appendix III) regarding uniformity in the provisions of Acts delegating legislative powers. The Committee was of the opinion that there should be uniformity in the procedure for delegation of legislative powers. The Committee examined the suggestions contained in the memorandum for bringing about uniformity in regard to this matter and

after some discussion decided to make the following recommendations to the House in their First Report:—

"(i) That in future the Acts containing provision for making rules etc. shall lay down that such rules shall be laid on the Table as soon as possible.

(ii) That all these rules shall be laid on the Table for a uniform and total period of 30 days before the date of their final publication.

(iii) That in future the Acts authorising delegation of rule-making power shall contain express provision that the rules made thereunder shall be subject to such modifications as the House may like to make."

7. The Committee thereafter considered the memorandum (Appendix IV) regarding the notifications issued under the Estate Duty Act, 1953. The Committee took note of the fact that there had already been a delay of about a month in laying on the Table the rules framed under the Estate Duty Act, finally published by Government on 13th February 1954. The Act requires that these rules should be laid on the Table as soon as may be after they are made. The Committee observed that it should not have taken so long in laying the rules on the Table of the House. The Committee desired that this matter should be brought to the notice of the House in their report.

8. * * * * *

9. The Committee decided to meet again on Wednesday, the 17th March, 1954 at 5 P.M.

The Committee then adjourned at 5-40 P.M.

APPENDICES

APPENDIX I

(*Vide* para. 3 of Minutes of the Second Sitting)

PARLIAMENT SECRETARIAT

MEMORANDUM

SUBJECT.—*Bills containing proposals for delegation of legislative powers.*

Rule 88 of the Rules of Procedure provides that a Bill involving proposals for the delegation of legislative power shall be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating whether they are of normal or exceptional character.

2. With the exception of the Transfer of Evacuee Deposits Bill (introduced in the House on the 10th March, 1954), memorandum explanning proposals for delegation of legislative power has not been appended in terms of rule 88 to any other Bill introduced in the House so far. It would be noticed that Bills containing such proposals have from time to time been introduced in the House. At present, apart from the Transfer of Evacuee Deposits Bill, 22 Government Bills are pending before the House, out of which 11 Bills contain proposals for delegation of legislative power. A list showing these Bills is appended to this memorandum.

3. This omission to append a memorandum in case of Bills containing provisions for delegation of legislative power was brought to the notice of Government and the Ministry of Law have agreed to comply with the Rules in future. The Ministry has also informed that an attempt is being made to cover the memoranda in respect of the pending Bills.

4. The Committee may consider whether it would also like to recommend to the House that in future all Bills which contain proposals for delegation of legislative power should invariably be accompanied by memoranda as required by rule 88.

List of Pending Government Bills Containing Proposals for Delegating Legislative Power

Name of Bill	Proposals for delegating legislative power
1. The Food Adulteration Bill, 1952.	*Clause 23*—Power of Central Government to make rules. *Clause 24*—Power of State Government to make rules.

Nam of Bill	Proposals for delegating legislative power
2. The Coffee Market Expansion (Amendment) Bill, 1952.	*Clause 19*
3. The Rubber (Production and Marketing) Amendment Bill, 1952.	*Clause 13*
4. The High Court Judges (Conditions of Service) Bill, 1952.	*Clause 24*
5. The Government Premises (Eviction) Amendment Bill, 1953.	*Clause 2*—(Amending section 10 of the Principal Act).
6. The Indian Railways (Amendment) Bill, 1953.	*Clause 2*—(Part 71-E).
7. The Patents Bill, 1953.	*Clause 113*
8. The Delivery of Books (Public Libraries) Bill, 1953.	*Clause 7*
9. The Prisoners (Attendance in Courts) Bill, 1953.	*Clause 9*
10. The Companies Bill, 1953.	*Clause 592*
11. The Drugs and Magic Remedies (Objectionable Advertisements) Bill, 1953.	*Clause 16*

APPENDIX II

(*Vide* para. 4 of Minutes of the Second Sitting)

MEMORANDUM *Re* DELEGATED LEGISLATION

(Appended to the Transfer of Evacuee Deposits Bill, 1954.)

"The scope of clause 13 is limited to routine matters which may arise in the implementation of this law; and the rule making power is of a normal character."

APPENDIX III

(*Vide* para 6 of Minutes of the Second Sitting)

PARLIAMENT SECRETARIAT

MEMORANDUM

SUBJECT.—*Uniformity in the provisions of Acts delegating legislative powers*

The Committee on Subordinate Legislation at its first meeting held on the 11th December, 1953 took note of the different procedures provided in the various Acts for framing of rules thereunder and desired that after the Committee had gained some experience it might make a recommendation to the House that there should be a uniform procedure for laying of the rules on the Table of the House.

2. This memorandum sets out the position in regard to Parliamentary control over delegated legislation in India, and the need and suggestions for bringing about uniformity in the provisions of statutes which may hereafter be enacted, for delegating legislative powers.

I. *Position in India and the need for uniformity in procedure.*

3. A list of some of the Acts whereunder rules, regulations etc. are required to be laid on the Table of the House may be seen at Annexure I.

4. In India, the real Parliamentary control over subordinate legislation is a recent innovation. As such, the procedure with respect to this control will have to be evolved. The statutes delegating rule-making powers to the Central Government or other authority have given rise to varied practices and forms in this respect.

5. The following four types of provisions exist in the various Acts:—

(I) The Central Government is empowered to make rules for the purpose of giving effect to the provisions of an Act, by notification in the official Gazette—[*e.g.* please see—

(i) Sec. 8 of the Telegraph Wires (Unlawful Possession) Act, 1950;

(ii) Sections 189 & 191 of the Air Force Act, 1950;

(iii) Sec. 10 of the Nawab Salar Jung Bahadur (Administration of Assets) Act, 1950;

(iv) Sec. 45G of the Banking Companies (Amendment) Act, 1950;

(v) Sec. 14 of the Iron and Steel Companies Amalgamation Act, 1952.]

(II) The Central Government is empowered to make rules by notification in the official Gazette and is required to lay them before the House as soon as may be after their publication in the Gazette—[*e.g.* please see—

(i) Sec. 203 of the Ajmer Tenancy and Land Records Act, 1950;

(ii) Sec. 17 of the Coal Mines (Conservation and Safety) Act, 1952;

(iii) Sec. 22 of the Requisitioning and Acquisition of Immovable Property Act, 1952;

(iv) Sec. 11 of the Salaries and Allowances of Officers of Parliament Act, 1953.]

(III) The rules made by the Central Government are subject to such modification as Parliament may make after they are laid on the Table—[*e.g.* please see—

(i) Sec. 114 of the Insurance Act, 1938;

(ii) Sec. 133 of the Motor Vehicles Act, 1939;

(iii) Sec. 34 of the Reserve and Auxiliary Air Forces Act, 1952;

(iv) Sec. 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953.]

(IV) The rules made under an Act are required to be laid on the Table of the House for a specified period before the date of their final publication—[*e.g.* please see Sec. 20 of the Estate Duty Act, 1953.]

6. Specimen forms of the language used in the provisions made in the various Acts delegating legislative powers may be seen at Annexure II.

7. Majority of Acts, containing provision for rule-making powers, require the Central Government merely to publish these rules in the Official Gazette, to bring them into force. In these cases there is no provision for their laying on the Table of the House, and the House can exercise no direct check or scrutiny over them. The usual provision for this in the enabling Act is:

"The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act".

8. In other cases, the rules are required to be laid on the Table of the House after their publication in the Gazette, but their enabling Acts do not provide that such rules shall be subject to modifications made therein by the House (see Annexure III).

9. In only a few Acts, provisions exist to the effect that the rules etc. framed thereunder shall be laid on the Table of the House, and shall be subject to such modifications as the House may make therein (see Annexure IV). The House can obviously exercise a great amount of control over subordinate legislation falling in this category.

10. In regard to rules referred to in paragraph 7 above, it may be mentioned that once a set of rules is laid on the Table of the House, the House is seized of it, and it has the inherent power to make such modifications in those rules as it likes, irrespective of the fact whether the enabling Act stipulates that the rule shall be subject to modifications by the House or not.

11. The need for uniformity in the procedure is all the more great in view of various types of provisions made in Acts leading to certain ambiguities. To cite, it may be mentioned here that it was provided in the proviso to section 114(2) of the Insurance Act, 1938, before it was amended by the Act of 1940, that the rules made under the Act would be laid before both Chambers of the Central Legislature "for one month while they are in session". These rules were subject to modifications made therein by the two Chambers. The rules under the Act were laid on the Table of the Legislative Assembly on the 30th August, 1939. The session of the Assembly adjourned *sine die* on the 22nd September, 1939, and a point arose whether the period of one month prescribed in the proviso, having regard to the language of the proviso, should be comprised in one session or in two or more sessions. The President of the Central Assembly held that in the circumstances the general Parliamentary practice should be followed, and the period of one month should be comprised in one session.

The ambiguity in the language of the above mentioned provision in the Insurance Act, 1938 was later removed by the amending Act of 1940, which required that the rules should be laid "for a total period of one month which may be comprised in one session or in two or more sessions".

II. *Suggestions to bring about uniformity.*

12. With a view, therefore, to have uniformity in regard to these matters, and to have proper Parliamentary control over subordinate legislation, the following suggestions are made:—

(i) That in future the Acts containing provision for making rules etc. should lay down that such rules should be

laid on the Table of the House as soon as possible after they are published in the official Gazette.

(ii) That all these rules should be laid on the Table of the House for a uniform and total period of 30 days.

(iii) That in future the enabling Acts should contain express provision that the rules made thereunder would be subject to such modifications as the House may like to make.

(iv) That in exceptional cases, the House may make provision in the Bills, containing proposals for delegation of legislative power, that these rules, regulations etc. may be laid on the Table of the House for 30 days before they come into operation.

ANNEXURE I

(*Vide* paragraph 3 of the Memorandum)

***Acts** under which rules, regulations etc. are framed and laid on the Table of the House*

1. Destructive Insects and Pests Act, 1914.
2. Indian Tariff Act, 1934.
3. Indian Aircraft Act, 1934.
4. Reserve Bank of India Act, 1934.
5. Insurance Act, 1938.
6. Motor Vehicles Act, 1939.
7. Public Debt (Central Government) Act, 1944.
8. Central Excises and Salt Act, 1944.
9. Industrial Finance Corporation Act, 1948.
10. Delhi Road Transport Authority Act, 1950.
11. Representation of the People Act, 1950.
12. All-India Services Act, 1951.
13. Industries (Development and Regulation) Act, 1951.
14. Coal Mines (Conservation and Safety) Act, 1952.
15. Employees Provident Funds Act, 1952.
16. Requisitioning and Acquisition of Immovable Property Act, 1952.
17. Mines Act, 1952.
18. Cinematograph Act, 1952.
19. Salaries and Allowances of Ministers Act, 1952.
20. Delimitation Commission Act, 1952.

21. Reserve and Auxiliary Air Forces Act, 1952.

22. The Salaries and Allowances of Officers of Parliament Act, 1953.

23. The Air Corporations Act, 1953.

24. The Tea Act, 1953.

25. The Collection of Statistics Act, 1953.

26. The Estate Duty Act, 1953.

27. The Coir Industry Act, 1953.

28. The Mines and Minerals (Regulation and Development) Act, 1948.

ANNEXURE II

(*Vide* paragraph 6 of the Memorandum)

Specimens of forms of provisions in Acts delegating Legislative power

(1) 8. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form in which, and the authorities to which, declarations under section 3 may be made;

(b) the authorities to which, and the prices at which, telegraph wires may be sold under section 4.

[The Telegraph Wires (Unlawful Possession) Act, 1950].

(2) 189. *Power to make rules.*—(1) The Central Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the rules made thereunder may provide for--

* * * * *

191. *Publication of rules and regulations in Gazette.*--All rules and regulations made under this Act shall be published in the Official Gazette and, on such publication, shall have effect as if enacted in this Act.

(The Air Force Act, 1950).

(3) 10. *Power to make rules.*—The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act and, in particular, for the effective exercise of the powers vested in the Committee under this Act.

[The Nawab Salar Jung Bahadur (Administration of Assets) Act, 1950].

(4) 45G. *Power of Court to make rules.*—The Court may make rules consistent with this Act concerning the mode of proceedings to be had for the decision of all claims or questions and all other proceedings, whether civil or criminal, which are to be decided pursuant to the provisions of Part III or Part IIIA and concerning all other matters for which provision has to be made for enabling the Court to effectively exercise its functions under the said provisions.

[The Banking Companies (Amendment) Act, 1950].

(5) 14. *Power to make rules for facilitating amalgamation.*—The Central Government may, by rules published in the Official Gazette, make such incidental, consequential or supplementary provisions as in its opinion are necessary for fully and effectually carrying out the purposes of this Act, and without prejudice to the generality of such power, provision may be made in such rules—

* * * * *

(The Iron and Steel Companies Amalgamation Act, 1952).

(6) 203. *Power to make rules.*—(1) The Chief Commissioner may make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

* * * * *

(3) In making any rule the Chief Commissioner may provide that any contravention of such rule shall be punishable with a fine not exceeding fifty rupees.

(4) All rules made under this Act shall be published in the Official Gazette and shall also be laid before Parliament, as soon as may be, after such publication.

(The Ajmer Tenancy and Land Records Act, 1950).

(7) 17. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette and subject to the condition of

previous publication, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

* * * * *

(4) All rules made under the provisions of this Act shall be laid, as soon as may be, before Parliament.

[The Coal Mines (Conservation and Safety) Act, 1952].

(8) 22. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

* * * * *

(3) All rules made under the provisions of this Act shall be laid, as soon as may be, before Parliament.

(The Requisitioning and Acquisition of Immovable Property Act, 1952).

(9) 11. *Power to make rules.*—(1) The Central Government may, in consultation with the Chairman and the Speaker, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

(The Salaries and Allowances of Officers of Parliament Act, 1953).

(10) 114. *Power of Central Government to make rules.*—(1) The Central Government may, subject to the condition of previous publication by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

* * * * *

(3) Every rule made under this section shall be laid as soon as may be after it is made before House of the People while it is in session, for a total period of one month which may be comprised in one session or in two or more sessions, and if before the expiry of

that period, the House of the People makes any modification in the rule or directs that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.

* * * * *

(The Insurance Act, 1938).

(11) 133. *Publication of and commencement of rules.*—(1) Every power to make rules given by this Act is subject to the condition of the rules being made after previous publication.

(2) All rules made under this Act shall be published in the Official Gazette, and shall, unless some later date is appointed, come into force on the date of such publication.

(3) All rules made under this Act by the Central Government or by any State Government shall be laid for not less than fourteen days before Parliament or the Legislature of a Part A State as the case may be, as soon as possible after they are made, and shall be subject to such modifications as Parliament or such Legislature may make during the session in which they are so laid.

(The Motor Vehicles Act, 1939).

(12) 34. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

* * * * *

(3) Any rule made under this section may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) All rules made under this section shall be laid for not less than seven days before Parliament as soon as possible after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

(The Reserve and Auxiliary Air Forces Act, 1952).

(13) 3. *Conferment on the President of the power of the State Legislature.*—(1) The power of the Legislature of the State of Patiala and East Punjab States Union to make laws, which has been declared

by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact as a President's Act a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall except where it is not practicable so to do, consult a committee constituted for the purpose consisting of ten members of the House of the People nominated by the Speaker and five members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3), direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

[The Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953].

(14) 59. *Prior publication of regulations and rules.*—(1) The power to make regulations and rules conferred by sections 57 and 58 is subject to the condition of the regulations and rules being made after previous publication.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897 (X of 1897), as that after which a draft of regulations or rules proposed to be made will be taken under consideration, shall not be less than three months from the date on which the draft of the proposed regulations or rules is published for general information.

(3) Before the draft of any regulation is published under this section it shall be referred to every Mining Board which is, in the opinion of the Central Government concerned with the subject dealt with by the regulation, and the regulation shall not be so published until each such Board has had a reasonable opportunity

of reporting as to the expediency of making the same and as to the suitability of its provisions.

(4) No rule shall be made unless the draft thereof has been referred to every Mining Board constituted in that part of the territories to which this Act extends which is affected by the rule, and unless each such Board has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions.

(5) Regulations and rules shall be published in the Official Gazette and, on such publication, shall have effect as if enacted in this Act.

(6) The provisions of sub-sections (1), (2) and (4) shall not apply to the first occasion on which rules referred to in clause (d) or clause (e) of section 58 are made.

(7) The regulations and rules made under sections 57 and 58 shall be laid before Parliament, as soon as may be, after they are made.

60. *Power to make regulations without previous publication.*— Notwithstanding anything contained in sub-sections (1), (2) and (3) of section 59, regulations under clause (i) and clauses (k) to (s) excluding clause (l) of section 57 may be made without previous publication and without previous reference to Mining Boards, if the Central Government is satisfied that for the prevention of apprehended danger or the speedy remedy of conditions likely to cause danger it is necessary in making such regulations to dispense with the delay that would result from such publication and reference:

Provided that any regulations so made shall not remain in force for more than two years from the making thereof.

(The Mines Act, 1952).

(15) 20. *Power to make rules respecting controlled companies generally.*—(1) The Board may make rules—

(a) prescribing the class of dispositions or operations which shall be deemed to be transfers to controlled companies within the meaning of section 17:

(b) prescribing the matters to be treated as benefits accruing to the deceased from any such controlled company, the manner in which their amount is to be determined. and the time at which they are to be treated as accruing;

* * * * *

(2) All rules made under this section shall be laid before the House of the People for not less than fifteen days before the date of their final publication.

85. *Rule-making powers of the Board.*—(1) Subject to the condition of previous publication and subject to the control of the Central Government, the Board may make rules not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out the purposes of or giving effect to this Act.

(2) The power to make rules conferred by this section shall, on the first occasion of the exercise thereof, include the power to give retrospective effect to the rules or any of them from a date not earlier than the date of the commencement of this Act.

(3) All rules made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

(The Estate Duty Act, 1953).

ANNEXURE III

(*Vide* paragraph 8 of the Memorandum)

Acts which require Rules, Regulations etc. framed thereunder to be laid on the Table of the House, but do not provide that they shall be subject to modifications by the House.

Name of Act	*Sections*
1. The Destructive Insects and Pests Act. 1914.	4D
2. The Reserve Bank of India Act. 1934. ...	28
3. The Public Debt (Central Government) Act, 1944. ...	28
4. The Industrial Finance Corporation Act. 1948. ...	43
5. The Coal Mines (Conservation and Safety) Act, 1952. ...	17
6. The Employees Provident Funds Act, 1952. ...	7
7. The Requisitioning and Acquisition of Immovable Property Act. 1952. ...	22
8. The Mines Act 1952.	59

9.	The Cinematograph Act, 1952. ...	8
10.	The Salaries and Allowances of Ministers Act, 1952.	11
11.	The Delimitation Commission Act, 1952. ...	9
12.	The Salaries and Allowances of Officers of Parliament Act, 1953. ...	11
13.	The Air Corporations Act, 1953.	44
14.	The Tea Act, 1953.	49
15.	The Collection of Statistics Act, 1953.	14
16.	The Coir Industry Act, 1953.	26

ANNEXURE IV

(*Vide* paragraph 9 of the Memorandum)

Acts which require that Rules, Regulations etc. framed thereunder shall be laid on the Table of the House and shall be subject to modifications by the House.

	Name of Act	*Sections*
1.	The Indian Tariff Act, 1934.	4a(2)
2.	The Indian Aircraft Act, 1934.	5(3)
3.	The Insurance Act, 1938.	114(3)
4.	The Motor Vehicles Act, 1939.	133(3)
5.	The Central Excises and Salt Act, 1944.	38
6.	The Delhi Road Transport Authority Act, 1950.	52(3)
7.	The Representation of the People Act, 1950.	13(3)
8.	The All-India Services Act, 1951.	3(2)
9.	The Industries (Development and Regulation) Act, 1951.	30(4)
10.	The Reserve and Auxiliary Air Forces Act, 1952. ...	34(4)
11.	The Mines and Minerals (Regulation and Development) Act, 1948.	7(1)

APPENDIX IV

(*Vide* para. 7 of Minutes of the Second Sitting)

PARLIAMENT SECRETARIAT

MEMORANDUM

SUBJECT.—*Notifications issued under the Estate Duty Act.*

Eight notifications have so far been issued by the Central Board of Revenue under the Estate Duty Act, 1953. A statement showing the particulars of these notifications is placed at Annexure I.

2. It would be seen from the statement annexed that:

(i) Estate Duty (Controlled Companies) Rules were published in draft form on 15th October, 1953 and were laid on the Table on 4th December, 1953. These rules have been published finally on 13th February, 1954.

(ii) Estate Duty Rules were published on 15th October, 1953 in draft form, but were not laid on the Table. They have also been published finally on 13th February, 1954.

(iii) An amendment to the Estate Duty Rules has been published on 20th February, 1954 in draft form. It has not been laid on the Table as it is not required to be laid at this stage.

ANNEXURE I

Notifications issued under the Estate Duty Act, 1953

Sl. No.	No. and date of Notification	Brief contents	Remarks
1.	1-ED, dated 8-12-53 .	Appointed the 15th October, 1953 as the date on which the Estate Duty Act, 1953 came into force.	*Vide* Section 1 (3) of the Act.
2.	2-ED, (S. R. O. 1936) dated 15-10-1953.	Published in draft form, the Estate Duty (Controlled Companies) Rules, 1953.	*Vide* Sections 20 (1) and 85 (1) of the Act.
3.	3-ED, (S. R. O. 1937) dated 15-10-53.	Published in draft form, the Estate Duty Rules, 1953.	*Vide* Section 85 (1) of the Act.
4.	4-ED, (S. R. O. 1938) dated 15-10-53.	Certain Officers appointed to function as Controller, Dy. Controller & Asstt. Controller of Estate Duty.	*Vide* Section 4 (2) of the Act.

Sl. No.	No. and date of Notification	Brief contents	Remarks
5.	5-ED, (S. R. O. 2246) dated 12-12-53.	Laid down the Jurisdiction of Controller, Deputy Controllers and Asstt. Controllers of Estate Duty. These Officers will perform their functions in respect of the estates of a deceased person as follows :— (*i*) Controller— Where the principal value exceeds Rs. 10 lakhs. (ii) Deputy Controller— Where the principal value exceeds Rs. 5 lakhs but does not exceed Rs. 10 lakhs. (iii) Asstt. Controller (who is Income-tax Officer, Class I)— Where the principal value does not exceed Rs. 5 lakhs. (iv) Asstt. Controller (who is an Income-tax Officer, Class II)— Where the principal value does not exceed Rs. 1½ lakhs.	*Vide* Section 4 (2) of the Act.
6.	S. R. O. 491, dated 13-2-54.	Final publication of the Estate Duty (Controlled Companies) Rules, 1953.	*Vide* Section 85 (1) of the Act.
7.	S. R. O. 556, dated 13-2-54.	Final publication of the Estate Duty Rules, 1953.	*Vide* Section 85 (1) of the Act.
	S. R. O. 606, dated 20-2-54.	Published in draft form an amendment to the Estate Duty Rules, 1953.	*Vide* Section 85 (1) of the Act.

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